

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

KATHRYN McCAULEY
as Guardian and Next Friend of V.L., a
minor

§

CIVIL ACTION NO. 9:11CV172

§

v.

FOOD SERVICE HOLDINGS, LTD., d/b/a §
Dairy Queen

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contain her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (document [#9](#)) recommends that the Motion to Dismiss for Failure to State a Claim and Lack of Subject Matter Jurisdiction (document [#4](#)) be denied and that the Motion to Compel Arbitration (document [#5](#)) be granted. The Report and Recommendation further recommends that the case be administratively closed pending the completion of arbitration proceedings.

No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the Motion to Dismiss for Failure to State a Claim and Lack of Subject Matter Jurisdiction (document [#4](#)) is **DENIED** and the Motion to Compel Arbitration (document [#5](#)) is **GRANTED**. It is further

ORDERED that this case is hereby **ADMINISTRATIVELY CLOSED** pending the completion of the arbitration proceedings.

So **ORDERED** and **SIGNED** this **7** day of **March, 2012**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge